



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

**REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
SEPTEMBER 10, 2002
9:00 A.M.**

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Luis G. Sariñana and Anthony Cobos. Absent: Paul Joseph Escobar. Meeting was called to order and the invocation was given by Representative John F. Cook, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

1. American Character Week - 9/6-9/17
2. National Kids Voting Week - 9/11-9/17
3. National 911 Day - 9/11
4. Always Remember 9-11 Day - 9/11
5. Certificate of Achievement for Planning Excellence to Planning Department

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No action was taken regarding the report from Mr. Ray Cox, Acting Director of Parks & Recreation.

Mr. Ray Cox, Acting Director of Parks & Recreation, presented a PowerPoint presentation for Council Members' information. (Copy on file in City Clerk's office)

Representative Sumrall questioned where the new Westside regional park would be located.

Mr. Cox responded East of the Industrial Area located on the westside, North of Redd Road and Artcraft, South of Transmountain. He noted the names of future parks as: Northeast Regional Park, Northwest Regional Park and an unnamed Eastside Park.

Representative Cook commented on the Stage 1 drought emergency watering restrictions and questioned whether or not the Parks & Recreation would meet the required 50% watering reduction rate.

Mr. Cox stated that the reduction in watering capabilities would impact the Department somewhat; however, the exception would be the Department utilizing purple pipe water. He explained that the parks would be watered only one day per week; the larger parks would be watered almost daily; however, in different areas. He expressed that he would be tracking the water consumption and would report that information to Representative Cook by end of summer specifically noting the quantity of water saved.

Representative Medina discussed the advantages of a "Countywide Park System" or "Parks District".

Mr. Cox added that the concept was popular in the States of Illinois and California and that he would explore the possibilities for El Paso parks.

Representative Medina advised Mr. Cox to consider the possibilities, as this would save the City monies, additionally resolving the lack of parks and recreational facilities for a City the size of El Paso. He added that other government entities and the school districts should consider becoming involved. He questioned whether or not it would be feasible to start a Committee.

Mayor Raymond C. Caballero questioned whether or not an Eastside Committee had been established and noted that Representative Escobar and Commissioner Scruggs had met on a previous occasion. Mayor Caballero suggested that he would call upon the County Judge and set a Special Meeting with the Commissioners and Council Members.

Mr. Cox explained that the Parks & Recreation Department had been working with the Ysleta and Socorro Independent School Districts and added that the Department had established properties located in close proximity to the school districts new school construction projects. He remarked that he had established a working relationship with the Canutillo Independent School District and recommended the founding of a "Parks District Committee".

Representative Sumrall was agreeable to the "Parks District" concept; however, suggested that citizens be allowed to vote as to whether or not they would like to become a "Parks District", similar to the Downtown Management District whereas additional taxes would be incurred for parks and subsequent amenities.

Mr. Cox responded most "Parks Districts" were not located within a City limits but within the County and multiple jurisdictions were established.

Representative Cobos suggested scheduling a Legislative Review Committee of the Whole and establish how Council Members wish to approach the “Parks District” issue prior to meeting with other governmental entities and school districts.

Representative Power commented on the Parks & Recreation Department's relationship with the Socorro Independent School District regarding the development of parks located near the schools. He suggested that Mr. Cox communicate with the SISD regarding Interlocal Parks Agreements. He commented on the County's establishment of a "Sports Authority" and its potential to bring sports tourism to El Paso and requested that Mr. Cox establish himself within said "Authority" to create summer league games and Joint Use Agreements of resources and facilities.

Mr. Cox would participate in dialogue with the County regarding the "Sports Authority" and its potential advantages for the City Parks & Recreation Department.

Motion made by Representative Medina, seconded by Representative Cook, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

*Motion made, seconded and unanimously carried to excuse Representative Escobar from the Regular Council Meeting of September 10, 2002.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Employee Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in fiscal year 2002-2003 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

AQUATICS

DEPARTMENT ID: 51010281, ACCOUNT 501011

1. **CONTRACTOR:** Jimmy J. Zambrano, Indoor Pool Manager, Step 1
 DATES: October 1, 2002 thru September 30, 2003
 RATE PER HR: \$7.75
 CONTRACT NO: 2002/2003-059

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor is hereby authorized to sign, on behalf of the City, a Local Transportation Project Advance Funding Agreement between the City of El Paso and the State of Texas, on behalf of the Texas Department of Transportation, for a Congestion Mitigation and Air Quality (CMAQ) Project to provide public awareness citywide and public outreach via various local radio, television, and newspaper media concerning the daily condition of the ozone of greater El Paso and to recommend alternatives to eliminate contaminant output and minimize ozone exposure; and that the Mayor is hereby authorized to execute any necessary budget transfers to accomplish the intent of this Resolution.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign an agreement between the CITY and the Paso Del Norte Clean Cities Coalition (COALITION), for the COALITION to implement an Ozone Action Days public information and outreach program. The COALITION will fund the 20% City cost share for the program with in-kind donation of advertising from various local media sources.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following grant application on behalf of the Arts Resources Department, for submission to the Texas Commission on the Arts (TCA) and to sign the related contracts and documents should funds be granted, either in the requested amounts or at such lesser amounts as may be approved by the TCA. This grant will be used for artistic fees for the "Kronos Quartet" Concert October 17, 2002 under the TCA Cultural Connections program.

1. To request and receive \$3,000.00 towards artistic fees to present the "Kronos Quartet" Concert, FY 2003. No new match is required. A 1:1 match of City funds will come from the regular artistic fees for programming.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this sanitation lien for:

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
11700 Pueblo Fuerte Court	\$233.82	\$31.94	\$265.76

***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolutions dated the 12th day of February, 2002, and the 9th day of April, 2002, after due notice and hearing, ordered Samuel and Alma Diaz, record Owners of the hereinafter described property that the Building be demolished within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owners having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the Building and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to demolish the Building and clean the premises of all weeds, trash, and debris.

WHEREAS, the Deputy Director for Building Services Department has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council determines the actual cost of demolishing the Building and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lot 9, Block 43, East El Paso Subdivision, an Addition to the City of El Paso, El Paso County, Texas, more particularly described as 3417 Durazno Avenue, El Paso, Texas,

to be \$1,970.03, performed by the Street Department of the City of El Paso, \$1,198.40 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report, making a total of \$3,168.43. The City Council finds that the work was completed on the 21st day of March, 2002, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of THREE THOUSAND ONE HUNDRED SIXTY-EIGHT AND 43/XX DOLLARS (\$3,168.43) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolutions dated the 17th day of April, 2001, after due notice and hearing, ordered MARIA L. and DARIO HERNANDEZ, record Owners of the hereinafter described property that the Building be secured within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owners having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to secure the Building and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to secure the Building and clean the premises of all weeds, trash, and debris.

WHEREAS, the Deputy Director for Building Services Department has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council determines the actual cost of securing the Building and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lot 24, Block 325, Vista Del Sol Unit Sixty-six, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 56, Page 46, Plat Records of El Paso County, Texas, more particularly described as 1644 Henri Dunant Way, El Paso, Texas,

to be \$1,107.07, performed by the Street Department of the City of El Paso. The City Council finds that the work was completed on the 29th day of April, 2002, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of ONE THOUSAND ONE HUNDRED SEVENAND 07/XX DOLLARS (\$1,107.07) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit all necessary documents and information and accept a grant award for the City of El Paso Police Department from the Bureau of Justice Assistance, Bulletproof Vest Partnership Grant Program, for funding in the amount of \$8,566.20 toward the acquisition of bulletproof vests for the Police Department; that the Chief of Police be authorized to submit the grant acceptance on-line; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments to the initial grant agreement which increase, decrease or deobligate program funds, provided that no additional City funds are required, and any documents to request and accept an extension of the award ending date for the grant; City funding for the purchase also required in the amount of \$8,566.20.

*Motion made, seconded and unanimously carried to postpone one (1) week the Resolution that the Mayor be authorized to execute an Assignment of Agreement for Architectural Services by and between the **CITY OF EL PASO** and **PT ANNEX, LLC** as related to the renovation of the Plaza Theatre and Centre Annex.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute and file a Grant Application with the Paso del Norte Health Foundation, on behalf of the Retired and Senior Volunteer Program, in the amount of \$16,857, this application will be in effect from October 22, 2002 through March 31, 2003; and

That Deborah G. Hamlyn, Director, Community and Human Development, be authorized to furnish such additional information as the Paso del Norte Health Foundation may require in connection with the Grant Application for this program; and

That the Mayor be authorized to execute, on behalf of the City of El Paso, any Grant Agreements for the above amount, or for a greater or lesser amount, and any amendments to the initial Grant Agreement which increases, decreases, or de-obligates Program funds, provided that no additional City funds are required, upon approval by the Paso del Norte Health Foundation for aid in financing this program.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Telecommunications Infrastructure Fund Board (TIFB) grant agreement and related documents for an LB 10C Grant (Grant No. QE-2002-LB10C-7071) between the Telecommunications Infrastructure Fund Board and the City of El Paso, on behalf of the El Paso Public Library, for the term of August 30, 2002, through August 31, 2003. The total amount of the Grant Award is \$200,000. The funds will be used for technology assistance to enable the El Paso Public Library to provide additional programs and computers for public use, particularly for teenagers. City matching funds are required in the amount of ten percent (10%), which are readily available in the Library Department budget.

Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

WHEREAS, Ordinance No. 15006, approved by the City Council of the City of El Paso on December 24, 2001, authorizes the Council to declare limited periods of "amnesty" to allow borrowers of items from the El Paso Public Library to return overdue items or items previously considered lost, without payment of the applicable overdue fines or fees for lost items; and

WHEREAS, the Library desires to encourage the prompt return of overdue items or items previously considered lost in order to draw attention to the Library's new automated system, SOL (Services-On-Line);

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the week of September 16, 2002, through September 22, 2002, be declared "Amnesty Week" for the El Paso Public Library ("the Library") to allow borrowers of items from the Library to return overdue items or items previously considered lost, without payment of applicable overdue fines or fees for lost items, and to allow the Library to accept return of such items without payment of such fines or fees.

Representative Rodriguez requested information for the community in the hopes that unreturned books might be returned.

Ms. Yvonne Jimenez, El Paso Public Library, commented on the library's new computer database "SOL" and reiterated the dates for amnesty week as September 16 through 22, 2002.

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to approve the above Resolution.

Representative Medina was not present for the vote.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a "Park Partner" Agreement with the following individual for maintenance and other services on City property as described in the Agreement.

Jeffery Lindsey

Dick Shinaut Park

AND THAT the Mayor be further authorized to sign additional documents and take additional action necessary to fulfill the purpose of this contract.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Employee Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in fiscal year 2002-2003 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

AQUATICS

DEPARTMENT ID: 51010281, ACCOUNT 501011

1. CONTRACTOR: Luis Arzola, Pool Attendant, Step 1
 DATES: October 01, 2002 thru September 30, 2003
 RATE PER HR: \$5.40
 CONTRACT NO: 2002/2003-063

2. CONTRACTOR: Janet Balderama, Swim Instructor, Step 1
 DATES: October 01, 2002 thru September 30, 2003
 RATE PER HR: \$5.35
 CONTRACT NO: 2002/2003-064

3. CONTRACTOR: Janet J. Benge, Indoor Pool Manager, Step 3
 DATES: October 01, 2002 thru September 30, 2003
 RATE PER HR: \$8.25
 CONTRACT NO: 2002/2003-065

4. CONTRACTOR: William H. Benge III, Pool Attendant, Sep 2
 DATES: October 01, 2002 thru September 30, 2003
 RATE PER HR: \$5.60
 CONTRACT NO: 2002/2003-066

5. CONTRACTOR: Eduardo Calderon, Pool Attendant, Step 1
 DATES: October 01, 2002 thru September 30, 2003
 RATE PER HR: \$5.40
 CONTRACT NO: 2002/2003-067

6. CONTRACTOR: Melissa S. Casteneda, Swim Instructor, Step 1
 DATES: October 01, 2002 thru September 30, 2003
 RATE PER HR: \$5.35
 CONTRACT NO: 2002/2003-068

7. CONTRACTOR: Christopher Cordova, Lifeguard, Step 3
DATES: October 01, 2002 thru September 30, 2003
RATE PER HR: \$6.20
CONTRACT NO: 2002/2003-069
8. CONTRACTOR: Adam Flores, Swim Instructor, Step 1
DATES: October 01, 2002 thru September 30, 2003
RATE PER HR: \$5.35
CONTRACT NO: 2002/2003-070
9. CONTRACTOR: Adrian Diaz, Lifeguard, Step 2
DATES: October 01, 2002 thru September 30, 2003
RATE PER HR: \$6.00
CONTRACT NO: 2002/2003-071
10. CONTRACTOR: Steven M. Duran, Pool Attendant, Step 1
DATES: October 01, 2002 thru September 30, 2003
RATE PER HR: \$5.40
CONTRACT NO: 2002/2003-072
11. CONTRACTOR: Julie A. Garcia, Lifeguard, Step 2
DATES: October 01, 2002 thru September 30, 2003
RATE PER HR: \$6.00
CONTRACT NO: 2002/2003-073
12. CONTRACTOR: Christopher Gonzalez, Lifeguard, Step 2
DATES: October 01, 2002 thru September 30, 2003
RATE PER HR: \$6.00
CONTRACT NO: 2002/2003-074
13. CONTRACTOR: Ruben Gonzalez, Lifeguard, Step 2
DATES: October 01, 2002 thru September 30, 2003
RATE PER HR: \$6.00
CONTRACT NO: 2002/2003-075
14. CONTRACTOR: Ana M. Guerra, Pool Attendant, Step 1
DATES: October 01, 2002 thru September 30, 2003
RATE PER HR: \$5.40
CONTRACT NO: 2002/2003-076
15. CONTRACTOR: Kyle Harville, Swim Instructor, Step 1
DATES: October 01, 2002 thru September 30, 2003
RATE PER HR: \$5.35
CONTRACT NO: 2002/2003-077
16. CONTRACTOR: Lauren M. Harville, Lifeguard, Step 2
DATES: October 01, 2002 thru September 30, 2003
RATE PER HR: \$6.00
CONTRACT NO: 2002/2003-078
17. CONTRACTOR: Elissa Hayden, Pool Attendant, Step 1
DATES: October 01, 2002 thru September 30, 2003
RATE PER HR: \$5.40
CONTRACT NO: 2002/2003-079

18. CONTRACTOR: Daniel Juarez, Jr., Lifeguard, Step 3
DATES: October 01, 2002 thru September 30, 2003
RATE PER HR: \$6.20
CONTRACT NO: 2002/2003-080
19. CONTRACTOR: Monica Juarez, Pool Attendant, Step 1
DATES: October 01, 2002 thru September 30, 2003
RATE PER HR: \$5.40
CONTRACT NO: 2002/2003-081
20. CONTRACTOR: Andrea M. Lindsey, Pool Attendant, Step 1
DATES: October 01, 2002 thru September 30, 2003
RATE PER HR: \$5.40
CONTRACT NO: 2002/2003-082
21. CONTRACTOR: Carlos Lopez, Lifeguard, Step 2
DATES: October 01, 2002 thru September 30, 2003
RATE PER HR: \$6.00
CONTRACT NO: 2002/2003-083
22. CONTRACTOR: Albert A. Luna, Lifeguard, Step 2
DATES: October 01, 2002 thru September 30, 2003
RATE PER HR: \$6.00
CONTRACT NO: 2002/2003-084
23. CONTRACTOR: Jose A. Macias, Lifeguard, Step 2
DATES: October 01, 2002 thru September 30, 2003
RATE PER HR: \$6.00
CONTRACT NO: 2002/2003-085
24. CONTRACTOR: Adrian Montellano, Swim Instructor, Step 1
DATES: October 01, 2002 thru September 30, 2003
RATE PER HR: \$5.35
CONTRACT NO: 2002/2003-086
25. CONTRACTOR: Guadalupe Montes, Pool Attendant, Step 2
DATES: October 01, 2002 thru September 30, 2003
RATE PER HR: \$5.60
CONTRACT NO: 2002/2003-087
26. CONTRACTOR: Andres Murillo, Lifeguard, Step 2
DATES: October 01, 2002 thru September 30, 2003
RATE PER HR: \$6.00
CONTRACT NO: 2002/2003-088
27. CONTRACTOR: Diana Ochoa, Swim Instructor, Step 1
DATES: October 01, 2002 thru September 30, 2003
RATE PER HR: \$5.35
CONTRACT NO: 2002/2003-089
28. CONTRACTOR: Priscilla Perry, Lifeguard, Step 2
DATES: October 01, 2002 thru September 30, 2003
RATE PER HR: \$6.00
CONTRACT NO: 2002/2003-090

29. CONTRACTOR: Frankie A. Piñon, Swim Instructor, Step 1
DATES: October 01, 2002 thru September 30, 2003
RATE \$5.35
CONTRACT NO: 2002/2003-091
30. CONTRACTOR: Katrina L. Price, Swim Instructor, Step 1
DATES: October 01, 2002 thru September 30, 2003
RATE PER HR: \$5.35
CONTRACT NO: 2002/2003-092
31. CONTRACTOR: Gilbert Quinones, Pool Attendant, Step 2
DATES: October 01, 2002 thru September 30, 2003
RATE PER HR: \$5.60
CONTRACT NO: 2002/2003-093
32. CONTRACTOR: Jorge A. Rodriguez, Lifeguard, Step 2
DATES: October 01, 2002 thru September 30, 2003
RATE PER HR: \$6.00
CONTRACT NO: 2002/2003-094
33. CONTRACTOR: Vicente Sosa, Swim Instructor, Step 1
DATES: October 01, 2002 thru September 30, 2003
RATE PER HR: \$5.35
CONTRACT NO: 2002/2003-095
34. CONTRACTOR: Wendy Lynn Stewart, Lifeguard, Step 2
DATES: October 01, 2002 thru September 30, 2003
RATE PER HR: \$6.00
CONTRACT NO: 2002/2003-096
35. CONTRACTOR: Carmen Torres, Lifeguard, Step 2
DATES: October 01, 2002 thru September 30, 2003
RATE PER HR: \$6.00
CONTRACT NO: 2002/2003-097
36. CONTRACTOR: Crystal M. Torres, Pool Attendant, Step 1
DATES: October 01, 2002 thru September 30, 2003
RATE PER HR: \$5.40
CONTRACT NO: 2002/2003-098
37. CONTRACTOR: Alejandro Vargas, Jr., Senior Lifeguard, Step 1
DATES: October 01, 2002 thru September 30, 2003
RATE PER HR: \$6.60
CONTRACT NO: 2002/2003-099
38. CONTRACTOR: Amanda L. Walker, Lifeguard, Step 2
DATES: October 01, 2002 thru September 30, 2003
RATE PER HR: \$6.00
CONTRACT NO: 2002/2003-100
39. CONTRACTOR: Gilberto B. Juarez, Swim Instructor, Step 2
DATES: October 01, 2002 thru September 30, 2003
RATE PER HR: \$5.50
CONTRACT NO: 2002/2003-101

40. CONTRACTOR: Erica R. Ramos, Swim Instructor, Step 1
DATES: October 01, 2002 thru September 30, 2003
RATE PER HR: \$5.35
CONTRACT NO: 2002/2003-102

41. CONTRACTOR: Jacqueline Paz, Swim Instructor, Step 1
DATES: October 01, 2002 thru September 30, 2003
RATE PER HR: \$5.35
CONTRACT NO: 2002/2003-103

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2002-2003 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**CAROLINA RECREATION CENTER
DEPARTMENT ID: 51510073, ACCOUNT 502214**

1. CONTRACTOR: Marcela Macias, Ballet Instructor
DATES: September 10, 2002 thru November 30, 2002
RATE PER CL: \$8.80
MAXIMUM AMT: \$343.20
CONTRACT: 2002/2003-057

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **ROBERT WATKINS, AMIGOS LIBRARY SERVICES**, to conduct a workshop entitled "The Soul of the Librarianship in the Age of Computers" on Friday, September 13, 2002, at the El Paso Museum of Art. The Contractor shall be paid \$800.00 for the workshop, airfare not to exceed \$400.00, lodging and miscellaneous not to exceed \$100. The total amount of the contract shall not exceed \$1,300.00.

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***R E S O L U T I O N**

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner: ROSALIO GAFARE of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Deputy Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

to be ONE HUNDRED FIFTY THREE AND 72/100 DOLLARS (\$153.72) as reported by the Deputy Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Thirtieth day of January, 2002 approves the costs.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner: ROSAURA MIRAMONTES of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Deputy Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

to be ONE THOUSAND FOUR HUNDRED TWO AND 92/100 DOLLARS (\$1,402.92) as reported by the Deputy Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Nineteenth day of December, 2001 approves the costs.

- 2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of ONE THOUSAND FOUR HUNDRED TWO AND 92/100 DOLLARS (\$1,402.92) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.
- 3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.
- 4. All records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

*R E S O L U T I O N

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner: LA VIDA GUENTHER of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Deputy Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

- 1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

1011 South Virginia Street, City of El Paso, El Paso County,
Texas, being more particularly described as Lot W 60 FT of 4
& 5, Block 33, Magoffin Subdivision, Parcel M028-999-0330-
1700,

to be EIGHTY ONE AND 19/100 DOLLARS (\$81.19) as reported by the Deputy Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Twenty Ninth day of November, 1999 approves the costs.

- 2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of EIGHTY ONE AND 19/100 DOLLARS (\$81.19) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.
- 3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.
- 4. All records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 1st day of October, 2002 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 704 N. Campbell Street, in El Paso, Texas, which property is more particularly described as:

Lots: 16 & 17 and North ½ of Lot 18, Block 252, Campbell Addition
is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Carmen Breach De Valenzuela, 7049 Westwind Drive #1313, El Paso, Texas 79912 and also P. O. Box 13045, El Paso, Texas 79913, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring this property into compliance as mandated by Municipal Code Section 18.52.040 and to specify the time it will take to reasonably perform the work.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the Deputy City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 1st day of October, 2002 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 1612 N. Oregon Street, in El Paso, Texas, which property is more particularly described as:

Lot: 15 and the South 15 ft. of Lot 14 and the North 20 ft. of 16, Block 56, Alexander Addition
is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Zafer H. Haydar, 1020 S. Mesa Hills Apt. 4708, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the Deputy City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Services Department, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 8th day of October, 2002 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 3906 Lincoln Ave., in El Paso, Texas, which property is more particularly described as:

Lots: 24 to 26 Morningside Heights, Block 109
is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Francisco J. Valenzuela, 2300 Red Bluff Rd., El Paso, Texas 79930, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the Deputy City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Services Department, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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*Motion made, seconded and unanimously carried to approve the request to fill the position(s) on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

- A. Auto Service Worker I (3)
- B. PS Dispatcher-Fire (2)
- C. Recreation Leader I (1)
- D. Recreation Leader II (2)
- E. Recreation Leader III (2)

*Motion made, seconded and unanimously carried to approve the following provisional appointment(s) in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

- A. Auto Service Worker I
- B. Education/Graphics Tech
- C. Groundskeeper

*Motion made, seconded and unanimously carried to appoint Lorraine Huit to the El Paso Bond Overview Advisory Committee by Representative Sumrall.

*Motion made, seconded and unanimously carried to re-appoint Jorge E. Salom, Jr. to the Zoning Board of Adjustment as an alternate by Representative Sumrall.

*Motion made, seconded and unanimously carried to re-appoint Luz E. White to the Mayor's Advisory Board on Aging by Representative Cobos.

*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #S658-999-0090-5700, \$345.11 per month installments on a balance of \$8,282.64 for 1997, 1998, 1999, 2000 & 2001 taxes; Lawrence E. Osmond – 7312 Dale Rd.
- B. PID #T527-999-0570-4700, \$523.99 per month installments on a balance of \$6,287.88 for 1996, 1997 & 1998 taxes; Network Sales Assoc., Inc. – 5724 Middlesboro Ave.
- C. PID #V897-999-0480-1300, \$266.38 per month installments on a balance of \$3,196.56 for 2000 taxes; Gilbert & Delia Garcia – 2267 Bill Horn.
- D. PID #G569-999-0110-9100, \$127.94 per month installments on a balance of \$3,070.56 for 2000 & 2001 taxes; Hector Macias – 1950 Happer Way.
- E. PID #L217-999-005D-3700, \$927.58 per month installments on a balance of \$5,565.48 for 1999, 2000 & 2001 taxes; Manuel & Rosa M. Montes % Fernando Castillo – 933 Carlotta Dr.

*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. GMAC Mortgage, in the amount of \$585.53; overpayment of 2001 taxes.
(PID #C340-999-1500-3900)
- B. GMAC Mortgage Corp., in the amount of \$574.44; overpayment of 2001 taxes.
(PID #C731-999-0120-2300)
- C. Lone Star Title, in the amount of \$1,803.51; overpayment of 2001 taxes.
(PID #S619-999-0080-6900)
- D. Ramon Holguin, in the amount of \$693.19; overpayment of 2001 taxes.
(PID #B800-999-0020-1900)

Motion made by Representative Cook, seconded by Representative Rodriguez and unanimously carried to reconsider the below listed item as it had already been approved with the Consent Agenda. An oral vote was taken, all votes were Aye. Representatives Sumrall and Medina were not present for the vote.

Motion made by Representative Cook, seconded by Representative Rodriguez and unanimously carried to move the below listed item to the Regular Agenda. Representatives Sumrall and Medina were not present for the vote.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to approve the request that the Director of Purchasing be authorized to exercise the City's option to extend the term of contract 2000-046, through December 27, 2003, Lease of Unmarked Police Vehicles for the Police Department, with CAPPS Rent-A-Car, \$460,092.00 estimated annual.

Option No.: ONE [OF ONE]
Account No.: Various
Funding Source: Various
Amount: \$460,092.00 (Estimated Annually)
Department: Police

Mr. Ray Gilbert, citizen, commented on the approximate 1/2 million dollar contract extension and questioned what the "various" meant on the Funding Source.

Mr. Byron Johnson, Director of Purchasing, explained that the contract would be funded entirely with grant funds and stated that during the contract period other grants might be added. The grant was for "undercover" vehicles from the City's fleet.

Representative Cobos suggested Mr. Johnson define Funding Sources explicitly for the community's awareness.

Mr. Johnson noted that in the event that more than five funding sources would be utilized, the funding source would be labeled as "various"; however, five or less the sources would be enumerated.

Representative Sumrall questioned whether the vehicles would be insured by the leasing company or by the City.

Mr. Johnson responded if an accident were the fault of a City employee the City would be liable; however, if not coverage would be under the contractor.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to approve the above Resolution.

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*Motion made, seconded and unanimously carried to approve the request that the Director of Purchasing be authorized to exercise the City's option to extend the term of the agreement for two (2) additional years, from November 15, 2002 to November 14, 2004 pursuant to the provisions of Contract 2001-021, with Northwest Pipe Co., Houston Texas, for Galvanized Sign Posts.

OPTION NO.: ONE [OF ONE]
Amount of award: \$40,000.00 (Annual Estimate)
Account nos.: 32010287-503203
Funding source: General Fund
Department: Street
.....

*Motion made, seconded and unanimously carried to approve Change Order No. Eleven (Scope Change) Sam Corp. Construction for "EPIA Terminal and La Placita" for an increased amount of \$20,983.00 to add artistic painted beams to the scope of work to enhance the overall appearance of the "La Placita shopping area and provide individual split air heating and cooling systems for the SW Airlines provisional offices at the Lower East Concourse.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2002-215 Hydraulic Tools – Rebid

Award to: Utilicor
Stockdale, Texas
Item(s): All (1 through 8)
Amount: \$38,295.00

Department: Streets
Funds available: 04250203-27251-PMB0003130-508029
Funding source: FY02 Certificate of Obligation Equipment-City Equipment
Total award: \$38,295.00

The Streets and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a fixed-price, single (one-time) purchase, to purchase hydraulic tools. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within sixty (60) days from the date of award of the contract. No prompt payment discount was offered by the vendor.

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Motion made by Representative Cobos, seconded by Representative Medina and unanimously carried to move to the regular agenda Bid No. 2002-172 City Hall 10th Floor Remodeling.

Motion made by Representative Sumrall, seconded by Representative Power and unanimously carried to postpone two (2) weeks Bid No. 2002-172 City Hall 10th Floor Remodeling

Contractor: Trinity Construction Enterprises dba TC Enterprises, Inc
El Paso, Texas

Department: Public Works
Funds Available: 31118111-P502003-27035-508027
Funding Source: FY 93 CO's
Items: Base Bid I \$492,683.00
Total Award: \$492,683.00

The Departments of Purchasing, Engineering, and Public Works recommend that Dantex Construction Company, the low bidder, be allowed to withdraw their bid without prejudice or forfeiture of their bid security; and recommend the award of this contract to Trinity Construction Enterprises dba TC Enterprises, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the Deputy Director for Engineering, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

Representative Medina asked for elaboration on the remodeling project.

Mr. Charlie McNabb, Chief Administrative Officer, explained that in May of 2002 a budget transfer was executed wherein Certificates of Obligation monies for remodeling projects were combined. He explained that virtually the entire City Hall building would be remodeled. He explained that slight remodeling had occurred during the 30 year existence of the building. He commented on the poor condition of the 10th floor carpet and ceiling and other remodeling throughout the building. He commented on the need to comply with ADA requirements in the restrooms and areas on the 10th floor. He made remarks concerning the need to utilize floor space efficiently and moving various departments to the 10th floor. He explained that a contractor would be utilized as this would be a complete 10th floor remodel.

Representative Sumrall commented on the proposed sizes of the Representatives' offices and questioned whether the offices would be assigned by seniority.

Mr. McNabb responded that office designation would be left up to the Council Members.

Representative Sumrall responded that it would be unfair to Council Members and suggested a rotation system/method.

Mayor Raymond C. Caballero explained that Council Members could decide office selection following the election. Mayor Caballero stated that City Hall was not ADA compliant and was not energy efficient.

Mr. McNabb reiterated that the building was in dire need of remodeling as office space had depleted and the need for modular units was great. He added that departments were spread out and elaborated on the schedule of the floors to be remodeled. He noted that the 1993 Certificates of Obligation had been designated for City Hall remodeling and added that all other unused Certificate of Obligation monies had been sought out for the remodeling project.

Representative Cobos commented on the \$500,000.00 borrowed in 1993 and the interest of \$199,350 paid over the past nine years. He questioned why the time delays in utilizing the funds. He could not support this project other than the replacement of the ceiling tiles and the need to be ADA compliant. He suggested that the monies be refunded and debt be paid off or repairs made to the streets. He moved to deny. Representative Sariñana seconded.

Representative Medina questioned the 14 new work areas. He suggested utilizing a design that would be labor efficient and added it would be cost effective to share secretaries amongst the City Representatives.

Mr. McNabb explained that the six members of the Grants Department and the four members of the Internal Auditor Department would be included, in addition to utilizing the current wasted space.

Mr. McNabb noted that a secretary pool might be established; however, that would require additional remodeling.

Representative Sumrall reiterated that each district was just as important as the other and noted that it would be unfair for the Deputy Mayor Pro Tem to utilize two secretaries and other City Representatives not. She suggested the remodeling take place after the upcoming election process.

Representative Cook clarified that the majority of the remodeling was for energy efficiency, ADA compliance and new restrooms.

Mr. McNabb stated that those elements were included and remarked that a large portion of the remodeling was to move two Council Member offices, utilizing modular units for the Grants and Internal Auditor Departments.

Mr. Ray Gilbert, citizen, remarked Council Members were approving an item prior to conducting a thorough investigation.

Representative Cook noted that Council Members were made aware of the proposed remodeling project one year ago and had an opportunity to ask questions then.

Mr. Gilbert stated that City staff should have included the Council Members during the question period so that everyone would have been informed as to all decisions being made.

Mr. Theresa Caballero, citizen, commented that one does not fix something unless it was broken and added that the energy efficiency lighting could be phased in, such as when the lighting no longer works properly. She stated that roofs leak, not ceilings, and if the roof was leaking then it should be properly repaired. She stated that the restrooms were clean and new looking and that the employees were not in need of a new break room.

Representative Cobos stated that other than the ADA requirements he did not feel this was worth spending \$500,000.00 for and suggested the monies be better spent on street repairs. Representative Cobos requested an itemization of the project to include the ADA requirements, etc.

Representative Sumrall stated that the 10th floor should utilize the wasted space and suggested postponing the matter.

Representative Sumrall requested a copy of the plans for her information.

Motion made by Representative Sumrall, seconded by Representative Power and unanimously carried to postpone the bid for two weeks.

Mr. McNabb informed Council Members he would forward the plans to Council Members.

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*Motion made, seconded and unanimously carried to approve budget transfer BT2002-1002
COMMUNITY DEVELOPMENT

To reimburse the Community Development Block Grant Revolving Loan Fund for eligible administrative expenditures associated with administering HOME Grant Program activities and paid with CDBG Revolving Loan Fund during the City's Fiscal Year 2002.

Decrease	\$471,500	from	71150036/G7102HM09753/504415	Indirect Cost
Increase	\$ 71,500	to	71150039/G710RLFCD09903/505204	HRMultiFam
Increase	\$400,000	to	71150039/G710RLFCD09903/505205	HRSingleFam

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2002-1003
COMMUNITY DEVELOPMENT

This budget transfer increases the funding of the 27th Year, City-wide Curb Cut Program. The original budget of \$40,000 was based upon an estimated cost per ramp, however, the final cost exceeded the budgeted amount by \$1,135.64. A transfer of \$2,000 from the 27th Year contingency account will allow the contractor to be paid for the actual work accomplished.

Decrease	\$2,000	from	71150069/G7127CD000107629/508027	Construction
Increase	\$2,000	to	71150069/G7127CD003307657/508027	Construction

*Motion made, seconded and unanimously carried to approve the request of Eastwood High School Student Government to hold a homecoming parade on October 3, 2002 from 6:00 p.m. to 7:00 p.m. Route: Start at Montwood Mall, south on Yarbrough, west on Montwood, south on Linum, north into Eastwood stadium. Approximately 300 persons, 30 vehicles and 1 horse will take part and 5,000 spectators are anticipated. This request includes permission to use amplification (band instruments). PERMIT NO. 02-115

*Motion made, seconded and unanimously carried to approve the request of Riverside High School to hold a homecoming parade on September 12, 2002 from 6:00 p.m. to 7:00 p.m. Route: Start at Midway-Knights intersection; proceed on Knights, Jersey, Bernadine, Knights and end in the Riverside High School stadium parking lot. Approximately 200 persons and 20 vehicles will take part and 1,000 spectators are anticipated. PERMIT NO. 02-121

ORDINANCE 15229

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF BLOCK 301, PIERCE FINDLEY ADDITION, PLUS THE VACATED PORTION OF NOBLE STREET AND ADJACENT ALLEY CLOSED BY ORDINANCE 7300, CITY OF EL PASO, EL PASO COUNTY, TEXAS (1417 NORTH BROWN) FROM R-5/SP (RESIDENTIAL/SPECIAL PERMIT) TO A-O (APARTMENT-OFFICE). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Representative Cobos questioned whether or not any opposition existed.

Ms. Patricia Aduato, Director of Planning, responded initially one resident opposed, however, after the case was explained the opposition was removed. She added that the CPC (City Plan Commission) and staff recommended approval of the A-O zoning.

There being no further public comment, the vote was taken.

Motion duly made by Representative Cobos, seconded by Representative Sumrall that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Sariñana and Cobos

NAYS: None Absent: Council Member Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15230

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.44 (STOPPING, STANDING AND PARKING GENERALLY), SECTION 12.44.180 (REGULATIONS PERTAINING TO CERTAIN SPECIAL SITUATIONS) AMENDING PARAGRAPH (B) (16) TO RESERVE ADDITIONAL PARKING SPACES FOR THE STATE DISTRICT JUDGES. THE PENALTY BEING AS PROVIDED IN SECTION 12.48.010 OF THE EL PASO MUNICIPAL CODE.**

Representative Sumrall questioned the location of the parking spaces.

Mr. Charlie McNabb, Chief Administrative Officer, responded parking spaces existed for District Judges; however, following September 11th four parking meters were bagged for security measures. He noted that the parking spaces were strictly for the judges and not the general public.

There being no further public comment, the vote was taken.

Motion duly made by Representative Cook, seconded by Representative Sumrall that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power and Sariñana

NAYS: None Absent: Council Member Escobar

Representative Cobos was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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Motion made Representative Sumrall, seconded by Representative Power and unanimously carried to postpone one (1) week an Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking prohibited at all times on certain streets) to delete an existing location on Rojas Drive, both sides from Chito Samaniego Drive to Adabel Drive. The penalty as provided in Section 12.84.010 of the El Paso Municipal Code.

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ORDINANCE 15231

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) TO REVISE AN EXISTING LOCATION ON ROJAS DRIVE BETWEEN KAISER DRIVE AND A POINT 1,000 FEET EAST OF LEE TREVINO DRIVE, ON BOTH SIDES OF ROJAS DRIVE. THE PENALTY AS PROVIDED IN SECTION 12.84.010 OF EL PASO MUNICIPAL CODE.**

There being no public comment, the vote was taken.

Motion duly made by Representative Sariñana, seconded by Representative Power that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Sariñana and Cobos

NAYS: None Absent: Council Member Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
Motion made by Representative Sumrall, seconded by Representative Power and unanimously carried to postpone one (1) week an Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.040 (Schedule IV - Parking Prohibited During Certain Hours on Certain Streets.) Paragraph 12.88.040 12.88.040 (J) (No Parking, 7:00 a.m. to 4:00 p.m.) to add a new location at Sara Danielle Drive, both sides. The penalty as provided in section 12.84.010 of the El Paso Municipal Code.

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Motion made by Representative Medina, seconded by Representative Cook and unanimously carried to postpone two (2) weeks an Ordinance amending Ordinance No. 15073, providing for Art in Municipal Places, to provide for Certificates of Obligation as an additional source of funding for acquisition or commissioning of art for municipal places and to provide technical corrections.

Representative Medina requested further explanation.

Ms. Alejandrina Drew, Arts and Culture Director, explained that the Ordinance would allow the use of Certificates of Obligation to purchase artwork for public display.

Representative Sumrall moved to deny, Representative Power seconded.

Mr. Bill Chapman, Deputy CAO of Financial and Administrative Services/Chief Financial Officer, explained that the previous Ordinance allowed the use of 2% of all future obligations, both General and Certificates of Obligation; however, the language had been inadvertently left out.

Ms. Drew noted that the Commission would be holding a meeting to create the "Master Plan" for public art displays for the City.

Representative Cobos remarked that Certificates of Obligation were to be utilized for long term capital improvements; however, the language was too broad. He stated that the matter should come before the voters.

Representative Rodriguez commented that the Ordinance was approved months earlier and that during that Council meeting remarks had been made regarding the 2% for public art displays.

Representative Medina stated that other major cities have utilized the same program for their art work displays and he requested the item be postponed for two weeks. He suggested Council Members confer with the members of the Art Commission for further clarification.

Representative Cook explained that it was his understanding that when the Ordinance was approved previously, all Municipal Services projects were to set aside a percentage to allow for the lasting works of art. He seconded the motion to postpone.

Ms. Theresa Caballero, citizen, stated that it would be fiscally irresponsible to incur debt on a Certificate of Obligation, without voter approval, to purchase works of art. She remarked that the City should work within the budget and not compare itself to other major cities.

Mr. Ray Gilbert, citizen, made comments regarding Certificates of Obligation and questioned the number of artwork currently in storage. He questioned why the City would need to purchase additional art if many works of art had never been seen.

Representative Sariñana stated he did not remember utilizing Certificates of Obligation for works of art purchases. He would not support the matter if it meant utilizing monies for the bond projects and suggested the City become more aggressive in raising monies.

Representative Medina remarked that during the Legislative Review Committee meetings discussion regarding the funding source had taken place at great length.

Representative Cobos remarked that he did not attend those Legislative Review Committee meetings and remarked that General Obligations and/or revenue bonds could be utilized rather than Certificates of Obligation. He stated that the City had become free, liberal and reckless in its spending and issuance of Certificates of Obligation.

Representative Power expressed that City staff was very responsible in their spending; however, he requested additional information.

Ms. Lisa Turner, citizen, noted that the Certificates of Obligation language had apparently not been included in the original Ordinance and stated the decision to utilize Certificates of Obligation would not be a wise decision.

Mr. Chapman noted that an exemption in the Ordinance was written so that the 2% would not be utilized for capital acquisitions.

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ORDINANCE 15232

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO AMEND TITLE 6 (VEHICLE FOR HIRE), CHAPTER 6.16 (TAXICABS), SECTION 6.16.090 (PERMIT FEES – GRANTING OF OPERATING PERMIT), SUBSECTION A, TO REDUCE THE PERMIT FEE FOR THE PERMIT PERIOD OF SEPTEMBER 1, 2002, TO AUGUST 31, 2003.**

Representative Sumrall questioned why the City would exempt taxicabs from paying their fees.

Representative Cook explained that following September 11th many taxi drivers lost their livelihood for some time. He noted that the Ordinance was for a reduction in the permit fee.

Ms. Rita Rodriguez, City Attorney, explained how the Ordinance came into being. She stated that following a review of the fee structure it was decided that a recommendation be made in favor of a reduction.

Representative Sariñana stated that, as part of the Airport Legislative Review Committee recommendation, fees had been set approximately one year ago. He stated that if the City approved a reduction in fee for one entity, other entities would request the same action.

Representative Cobos requested a Legislative Review Committee meeting be scheduled for further discussion.

Representative Medina noted that the original fee was \$300.00 and that the Ordinance would be requesting a reduction for one year to \$150.00.

Ms. Rodriguez agreed that the \$150.00 was a starting point and the amendment would be for September 1, 2002, to August 31, 2003. She noted that if approved by Council Members, a reimbursement of \$150.00 to taxi drivers would be observed.

Representative Medina stated that many individuals had been affected due to the events of September 11th; however, the cab drivers had been economically deprived. He moved to approve. Representative Cook seconded.

Mr. David Escobar, attorney, noted that taxi cab drivers were at the bottom of the food chain and added that following September 11th, the airport had been closed for seven weeks. He stated the taxicab business had dropped 30-40% since September 11th and thanked Council Members for assisting the cab drivers. He explained the differences between airport fees and annual franchise fees paid by the taxi drivers to the City. He stated that an adjustment had been made to the airport fees approximately six years ago.

There being no further public comment, the vote was taken.

Motion duly made by Representative Medina, seconded by Representative Cook that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, and Cobos

NAYS: Council Members Power and Sariñana Absent: Council Member Escobar
Council Member Sumrall was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 15233

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 3 (REVENUE AND FINANCE), CHAPTER 3.12 (HOTEL ROOM TAX) OF THE CITY CODE BY INCREASING THE LEVY TO SEVEN PERCENT OF THE CONSIDERATION PAID BY THE OCCUPANT OF SUCH ROOM AND AMENDING THE USE OF THE PROCEEDS, THE PENALTY BEING AS PROVIDED IN SECTION 1.08.010 OF THE CITY CODE.**

Motion made by Representative Power, seconded by Representative Sariñana and carried to move the discussion regarding the Ordinance to the forefront. Representative Medina voted Nay.

Representative Power moved to approve the Ordinance. There was no second.

Representative Sariñana moved to deny the Ordinance. There was no second.

Mr. Mark Clark, President El Paso Hotel/Motel Association, expressed that the Hotel Association/El Paso was adamantly opposed to the tax for several reasons and stated the reasons behind the Association's opposition. He asked Council Members not to adopt the increase. He suggested Council Members pursue other options such as utilizing bridge tax increases, etc.

Representative Cook questioned Mr. Clark as to El Paso being the 7th highest tax rate in nation and asked what El Paso's ranking was regarding total room rate nationally.

Mr. Clark did not have those figures but guessed that El Paso would be in the lower end, low to mid-priced; depending on how one interprets the markets and breakdowns. He added that if the tax were to be adopted at the higher rate; the rates would need to be adjusted lower for most incoming conventions.

Representative Cobos questioned what the occupancy rate was for the industry.

Mr. Clark responded for El Paso the rate was 64% compared to 68% nationally. Mr. Clark remarked that conversations he has had with the County representatives have been very open; however, the breakdown occurred when the City and County tried to come together. He explained that the Association had been trying to get the two entities to commence dialogue for over a year, to no avail.

Representative Sumrall questioned whether any serious discussions had taken place between the Hotel/Motel Association and the County and explained that the tax increase was due to the County not contributing to the Tourist and Convention Center.

Representative Sumrall questioned whether or not the Association would be willing to apply pressure on the County Judge or the Commissioners to get them to put their fair share of monies into the Tourist and Conventions Bureau.

Mr. Clark responded that he has had several conversations with the Commissioners Court in the past and added that they had been open to the 501(c)(6) proposal; however, those proposals died when the time came to signing the Interlocal Agreement with the City. He added that to prevent a tax increase, he would communicate with any individual(s) necessary.

Representative Power stated that the City had no monies for marketing and that the City had no choice but to raise the taxes. He asked Mr. Clark to continue dialogue with members of the County. He noted that he had repeatedly asked for funding alternatives and that no other viable option(s) had been presented. He stated that as the Committee Chair for the Tourism and Convention and Visitors Bureau it was his responsibility to investigate all matters and options; further he had requested whether or not it would be prudent for the City to sue the County, and it was determined that the City could not. He did note that the Hotel/Motel Association could sue the County; however, had not taken those steps yet. He thought it ironic that the Hotel/Motel Industry had requested Council Members allow the Hotel/Motel Industry to operate the Convention and Visitor's Bureau and allow the City to cancel the contract with SMG. He thought it more appropriate that the Hotel/Motel Industry plead with the Commissioners Court and/or take legal action of some sort to get the \$900,000.00 that the County should have contributed.

Mr. Clark had members of the audience who were not in support of the tax increase to stand and stated that Representative Power's statements were wrong, off, misleading and very inaccurate. He commented on the 501(c)(6) proposal and stated that the Association had been working vigorously to bring the two entities together to find a solution to build tourism in El Paso. He asked Council Members to reconsider raising the tax and requested that the bridge toll tax be increased as an alternative, as the City could not tax itself into prosperity.

Representative Sariñana questioned what position the City took regarding increasing the bridge toll fees and whether or not that was a viable option.

Mr. Bill Chapman, Deputy CAO of Financial and Administrative Services/Chief Financial Officer, responded that it was not his recommendation that bridge fees be utilized as a substitute for the hotel tax and stated that an analysis would be compiled regarding the bridge fees, the effect of the downtown free bridge and the elasticity of bridge fees.

Representative Sariñana questioned what contribution NAFTA had given to the City of El Paso, specifically toward the condition of the City's streets.

Mr. Charlie McNabb, Chief Administrative Officer, responded NAFTA had not given the City direct monies for street repairs and that the City would need to seek out those monies. He reminded Council Members of the recent budget hearings and subsequent budget Resolution adoption which included this financing for the Convention and Visitor's Bureau and that Council Members had directed City staff to study the bridges and the possibility of raising the bridge fees. It was decided not to recommended raising the bridge fees and it was believed that raising the bridge fees was not the appropriate funding for the Convention and Visitors Bureau.

Representative Cobos asked what the total tax revenue from the Hotel/Motel tax was. Representative Cobos questioned whether 100% of the \$4.4 million would be allocated toward the Convention and Visitors Bureau.

Mr. Chapman responded that tax revenue was approximately \$800,000.00 for each one percent of the tax rate. He explained that if the tax rate were 5.5% the revenue amount would be \$4.4 million approximately. Mr. Chapman responded no and noted that of the 5.5%, 2.5% would be spent toward the debt service of the Bonds issued for the Civic Center; therefore, 3% would be allocated toward the operations of the Convention and Visitors Bureau, Civic Center and portion toward the Arts and Culture Department.

Representative Cobos stated that it would be his assumption that the hotel/motel tax was funding other City departments. He noted that he opposed raising taxes when 100% of the tax was not allocated toward the appropriate department.

Mr. Chapman responded as per State statute up to 15% could be utilized toward the Arts and Culture Department. He noted that the purpose of the Tourism State law was to bring tourists into El Paso; the promotion of the arts was an appropriate function of that. He explained that the function of the Hotel/Motel tax was to bring people into El Paso, and it would be difficult to entice the individuals if no funding was appropriated to accomplish that.

Representative Medina commented that he would only support raising the bridge toll fees in order to ease the traffic congestion between El Paso and Ciudad Juarez. He asked that language be included in the Ordinance whereby the Ordinance would be revisited next year, at the same time, to allow all participants to begin discussions again.

Representative Power hoped that by revisiting the Ordinance next year, in addition to the possibility of the Hotel/Motel Industry pursuing legal action against the County, the tax rate would be decreased accordingly.

Mr. McNabb stated that the Hotel/Motel tax had been reduced in the past, at the request of the Hotel Industry, which explained the current situation and added that City staff would add the language to the Ordinance as requested by Representative Medina.

Mr. Richard Cane, Hilton Hotel, stated that the tax increase would affect the Hilton and explained the number of other taxes paid by the hotel. He stated that the hotel had lost money when the conventions come to the City, as the hotel must lower its rate due to the room tax. He remarked that he had been in El Paso for 17 years and noted that measurable productivity had existed in only a few years. He proposed utilizing a 501(c)(6) organization in order that measurable productivity be seen.

Ms. Theresa Caballero, citizen, was present to protest the tax increase and stated that the employees were taxpayers, additionally, those businesses provided a tax base for the City of El Paso to tax. She requested that Council Members stop interfering with business and allow business to do business, providing and generating jobs and money to tax.

Mr. Detlef Sarbok, Hawthorn Inn & Suites General Manager, stated he has worked in the hospitality industry 25 years and noted that he found the City's Convention and Visitors Bureau very dormant and apathetic. He requested a review of how monies were spent, allocated and the accountability of the performance of the Convention and Visitors Bureau.

Ms. Lisa Turner, citizen, questioned the amendment regarding the use of the proceeds, and she commented on the recent purchase of the downtown "International Hotel" and noted that the hotel would be a key part of downtown revitalization. She questioned what effects that purchase would have on the tax base. She noted that according to the State Comptroller the City of El Paso collected \$4.2 million dollars for the Calendar Year 2001 and questioned what the City had spent those monies for.

Representative Cook responded to Ms. Turner's question regarding the use of the proceeds as 2.5 % would be utilized for advertising and conducting solicitation programs to acquaint potential users with public meeting and convention facilities and for the promotion of tourism and advertising of the City and its vicinity either by the City or through contract with persons or organizations selected by the City. He explained that the percent of the proceeds used for advertising was adjusted to the new percentage amount of 2.5% and that those monies would be used exclusively to promote the City.

Mr. McNabb agreed that the monies would be used exclusively to promote the City and added that the City Charter required the use of ½ of 1% to maintain the Civic Center and 2.5% to pay interest and principal on bonds utilized to construct the Civic Center, including those newly issued bonds. He remarked that the proposed additional rate be 1.5% increase for marketing; subsequently, the amount of the proceeds would not be changing; however, the percentage of proceeds used for the varying categories would change.

Mr. Ray Gilbert, citizen, noted that a tax rate reduction had been implemented a number of years ago, and he subsequently provided a history of the partnership by and between the County.

Mr. Chapman noted that one measure of effectiveness was the measure of hotel/motel tax revenues and, since 1999, the revenues had increased.

Motion made by Representative Sariñana moved to deny the tax rate increase; there was no second.

Motion duly made by Representative Cook to approve as amended by Representative Medina, seconded by Representative Power, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

Ms. Rita Rodriguez, City Attorney, clarified that the amendment was that the Ordinance be discussed again in one year.

Representative Cook stated that the item would appear on a City Council agenda in approximately one year's time.

Representative Medina suggested June 1, 2003.

Ms. Rodriguez added the City Council meeting be in as close proximity to June 1st as possible to reevaluate the Ordinance.

Representative Cook clarified that in the event a decision was rendered regarding utilizing the increased revenues from the bridge tolls, the Ordinance would be brought back for discussion at that time.

There being no further public comment, the vote was taken.

AYES: Council Members Sumrall, Rodriguez, Cook and Power

NAYS: Council Members Medina, Sariñana and Cobos Absent: Council Member Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 15234

The City Clerk read an Ordinance entitled: **AN ORDINANCE LEVYING TAXES FOR THE FISCAL YEAR 2002-2003**

Representative Cobos explained the two parts of the City's tax levy: general purposes and debt service. He explained that if the City were to control the Certificates of Obligation in a more reasonable manner, then perhaps there might be reduction in taxes regarding the debt service.

There being no further public comment, the vote was taken.

Motion duly made by Representative Power, seconded by Representative Medina that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Sariñana and Cobos

NAYS: None Absent: Council Member Escobar

Representative Sumrall initially abstained from voting; however, later changed her vote to Aye.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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Motion made by Representative Cook, seconded by Representative Cobos and carried to postpone two (2) weeks the Public hearing to determine if the property located at 2506 San Jose Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of this property, John Taylor and Linnea Hanson, 4837 Winthrop Drive, El Paso, Texas 79924, have been notified of the violations at this property.

Representatives Rodriguez and Medina voted Nay.

Mr. Thomas Maguire, Building Services Department, presented the case to Council Members and gave the department's recommendation(s). He amended the Condemnation Report to note that items listed under the section entitled "Feasibility to Repair" should indicate a "no".

Representative Sumrall suggested the property be cleaned as it appeared as though appliances had been left on the property. She suggested the property owner apply for Community Development funding.

Mr. Maguire explained that the property had been cleaned previously at the expense of the City.

Representative Sumrall stated that the property owner was not cooperating and suggested the building be demolished and subsequently forward the bill to the property owner.

Representative Cook noted that the City had cleaned the property January 28, 2002; however, it appeared as though dumping had occurred in the interim.

Mr. John Taylor, property owner, explained that he had purchased the property in December of this year and requested a two-week continuance on the hearing. He stated he would need to seek legal ramifications to determine how Mr. Maguire stood on the threats of demolishing the structure. He stated he had devoted 60 days to repairing the property, removing debris from the property, hauling four 20-yard loads of debris from the property. He noted he had submitted plans and engineering reports to the City; however, the reports had been volleyed back and forth. He remarked that with the new development of threatening to demolish the property in 90 days if he did not renovate the property, he required an additional two week's time.

Representative Cobos questioned whether or not Mr. Taylor's intention was to rehabilitate the property.

Mr. Taylor responded yes and stated he had purchased other condemned properties. He stated that it was his finding that the condemnation reports were in contention. He then discussed property he owns on Herbert St.

Representative Sumrall questioned whether the slides, as presented by Mr. Maguire, depicted the appearance of the property, as it existed today.

Mr. Taylor responded no, the property had been cleaned and boarded up.

Mr. Maguire stated Mr. Taylor had indicated that the back door had been secured; however, he was uncertain as to the appearance of the property.

Representative Sumrall moved to approve the department's recommendations.

Representative Rodriguez questioned whether or not Mr. Taylor had experienced any difficulty in bringing the other properties he owns up to City code.

Mr. Taylor remarked that, if the property was a condemned property, he had brought it up to City code.

Representative Rodriguez made comments regarding the position of the property as compared to the next-door neighbors. There being no further public comment, the vote was taken.

Mr. Taylor noted that the property had been in the condition it is for 15 years and questioned why the City would demolish the structure in 90 days if he did not make the repairs. Mr. Taylor responded no, he had no idea the property had been condemned and stated that the City was condemning it today.

Mr. Maguire stated that Mr. Taylor was aware the property had been condemned.

Representative Sariñana questioned how the decision was made to condemn or demolish property. Representative Sariñana remarked if the City recommended the structure be demolished there should be no further discussion on the matter. It was his opinion that building permits should no longer be given to rehabilitate the structure.

Mr. Maguire explained the process for Representative Sariñana's information and stated almost any structure could be repaired; however, whether or not it was economically feasible to repair the structure would be another matter. Mr. Maguire responded that the Building Permits and Inspection Department was requesting that Council Members approve the Department's recommendation to demolish the structure.

Representative Sariñana noted that the individual had furnished plans to rehabilitate the structure and that the Building Permits and Inspections Department would provide him the permits to rehabilitate the structure.

Ms. Rita Rodriguez, City Attorney, explained what was allowed under the condemnation power statute and added that language in the statute allowed an owner the option to rehabilitate the structure within 90 days as per an engineer's plan and timeframe schedule. She reiterated that the Department's recommendation was to demolish the structure.

Representative Sariñana responded that it was the department's recommendation due to the structure not being structurally sound. He felt that it would be a contradiction to provide permits for rehabilitation if the City felt the structure could not be refurbished.

Ms. Rodriguez remarked that she would provide the Council Member's legal advice during Executive Session. She noted that a pending claim existed on the matter.

Representative Sumrall moved to have the item considered in Executive Session.

Representative Cobos questioned whether or not the structure was structurally sound.

Mr. Taylor responded to Representative Cobos' question.

Mr. Maguire responded that the Department had received a report from Mr. Taylor's engineer noting the structure was not currently sound.

Representative Cobos questioned whether or not the engineer's report stated the structure was not sound.

Mr. Taylor responded he had a report in his possession, which stated the structure was repairable.

Representative Cobos stated that the City should allow the gentleman to rehabilitate the building, as it would add to the tax base for the City.

Representative Power moved to move the item to Executive Session. Representative Sumrall seconded that motion.

Ms. Theresa Caballero, citizen, reiterated that it had been said the home was in the condition it is in now for 15 years and did not understand why the City was so adamant to condemn the property. She questioned that if the building was structurally sound why not work out a reasonable contractual period, perhaps longer than 90 days, to allow the gentleman the opportunity to repair the structure. She felt the new owner should be given every benefit of the doubt to make the repairs and questioned what would take the place of the structure if it were demolished.

Representative Cook reported that the building had been condemned September 12th, 2001.

Ms. Rodriguez explained how property could be condemned twice and expressed that for further discussion Council Members should do so during Executive Session.

Mr. Taylor interrupted and stated that information should have been attached to documents at the County for a title report so that he would not have spent \$28,000.00 for property.

Representative Cook read from the Department's recommendation noting that the structure might be a danger to the public. He commented on a home on Hercules where the windows have been boarded for 10 years.

Mr. Maguire noted that the property on Hercules was structurally sound; however, this property, as reported by Mr. Taylor's engineer, was not structurally sound and would cause a hazard. He explained that the Department's recommendation, today, was to demolish the building. He commented on the repairs to the inside of the structure; however, they were done without permits. He recommended Mr. Taylor apply for the permits, follow the engineer's recommendations and rehabilitate the structure so that the property might generate taxes.

Representative Cook moved to postpone for two weeks and encouraged Mr. Taylor to meet with Building Permits & Inspection personnel and compose an equitable plan to rehabilitate the property within a reasonable amount of time. Representative Cobos seconded and requested a copy of the engineer's report.

Representative Rodriguez requested Council Members not make a decision on the matter until after Executive Session.

Representative Cook withdrew his motion to postpone for two weeks.

Ms. Diana Nunez, Deputy City Clerk, called the vote for moving the matter into Executive Session. The vote was as follows: Representative Sumrall (requested information as to whether any permits had been issued for the property), Representative Rodriguez, Representative Cook, Representative Medina, Representative Power, Representative Sariñana and Representative Cobos voted Aye.

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*Motion made, seconded and unanimously carried to delete the public hearing to determine if the Council Resolution of July 16, 2002, for the property located at 4908 Hercules Avenue, in the City of El Paso (legal description on file with the City Clerk) has been complied with and to determine penalties if the Council Order has not been complied with. The owners of this property, The Estate of Andres H. Bernal, record Owner, have been notified of the violations at this property.

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Motion made by Representative Sumrall, seconded by Representative Cobos and unanimously carried to terminate Contract No. 2002-072-C1 with Handy Care, for Medical Supplies, Items #1 for default pursuant to Clause No. 18B of the Contract, an item titled Termination for Default, whereby the City reserved the right to terminate the Contract for default.
The user Department was notified & a new solicitation will be issued.
Department: El Paso Fire Department

.....
Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to postpone one (1) week the Resolution that the El Paso City Council hereby authorizes the Mayor to take the necessary steps to change the name of Electric Way to Girl Scout Way, beginning at its intersection with Woodrow Bean/Trans Mountain Drive to Fairbanks Drive. This is located within the City of El Paso, El Paso County, Texas.

Ms. Patricia Aduato, Director of Planning, noted that the replacement of five signs at a total cost of \$380.00 would be necessary.

Representative Medina questioned the renaming of Electric Way.

Ms. Aduato remarked that in June of 2001 City Council directed the Planning Department to initiate the name change and noted that there were no existing properties on the street.

Representative Cook explained that the Girl Scouts had built their new headquarters there and questioned whether or not the name change request had taken place at an earlier date. He noted he would utilize his discretionary funds if necessary to pay for the new signs.

Mr. Ray Gilbert, citizen, commented that "Girl Scout Way" street name already existed.

Ms. Aduato explained Girl Scout Way was a private street within Fort Bliss property.

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No action was taken regarding the discussion and action on the Bracewell & Patterson, LLP Professional Services Contract as requested by Representative Cobos.

Representative Cobos stated that he did not receive the correspondence and/or email regarding the contract for Bracewell & Patterson. He noted that the contract was \$15,000 per month fee or \$180,000 total for fees. Representative Cobos was unclear as to correct contract amount.

Ms. Rita Rodriguez, City Attorney, clarified that the contract was for \$15,000 per month and explained that the original contract was for \$75,000.00 for five (5) months. She stated that her office received the first report in July and hand delivered it to all Council Members and that the August report would be hand delivered to Council Members as well. She stated she would request the firm e-mail Council Members directly rather than through her office.

Ms. Rodriguez reiterated that the contract was for \$15,000.00 per month and if Council Members directed her she would revise the contract language to read "\$185,00.00" today.

Representative Cobos discussed other language written within the contract pertaining to "invoices" and questioned the number of invoices received by the City Attorney's office.

Ms. Rodriguez responded that her department had received two invoices, which were not itemized invoices as Bracewell & Patterson LLP were lobbyists. She reiterated that the invoices were itemized as per hours per duty/project; however, in the event that reimbursements of expenses were necessary, the firm would provide an itemized list.

Representative Cobos questioned whether or not the firm was primarily involved in funding or legislative matters. Representative Cobos stated it would behoove Council Members to conduct a Legislative Review Committee meeting to discuss and prioritize the City's legislative agenda.

Mr. Charlie McNabb, Chief Administrative Officer, responded that the firm was primarily involved in funding matters and noted that the City had not requested the firm introduce any legislation. Mr. McNabb stated he has encouraged Council Members' participation in Federal legislative matters, as well as State matters.

Representative Power stated he would be proposing the creation of a Legislative Review Committee to discuss the City's State Legislative agenda, in addition to Federal matters.

Mr. McNabb stated it would be a waste of money if the lobbyists were not given any direction. He reiterated that he would request the firm to directly e-mail Council Members their monthly reports. Mr. McNabb explained that the firm does note in their monthly reports what progress they made on their projects.

Representative Power suggested Council Members itemize their time to justify their pay. He explained that the lobbyists do many things for the City and it would not be advantageous for the firm to itemize their time.

Ms. Rodriguez explained that she would resend the July report and forward the August report to Council Members via hand delivery.

Representative Cobos questioned language in the contract pertaining to "appearances by members of the City Council".

Ms. Rodriguez explained that if Council Members were to testify before Congress, the lobbyists would hold discussions with Council Members and City staff prior to testifying.

Ms. Theresa Caballero, citizen, commented that an item appeared on last week's agenda pertaining to the Bracewell & Patterson contract. She discussed the Mayor's controlling of water issues and commented on the method by which lawyers bill their time, itemization etc. She questioned why the City would spend hundreds of thousands of dollars on lobbyists.

Mr. McNabb noted that the Public Service Board had hired their own lobbyist firm.

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Motion made by Representative Cobos, seconded by Representative Sariñana and unanimously carried to send to Police Legislative Review Committee meeting to discuss the Complaint against Police Department/Internal Investigation. (Beverly Gibson)
Representative Sumrall was not present for the vote.

Ms. Beverly Gibson, citizen, appeared before Council on behalf of her son and described a situation that he had been involved in on March 20th, 2002. She stated that her son had been attacked described by a Police Officer and was physically abused. She stated that she had filed a complaint with the Internal Affairs office, Northeast Command Center and subsequently read her son's statement into the record. She questioned whether Police Officers participate in anger management and public relations classes.

Representative Cobos questioned who monitors the Internal Affairs Division of the Police Department.

Ms. Rita Rodriguez, City Attorney, responded that Internal Affairs was a separate division of the Police Department.

Commander Cliff Walsh, El Paso Police Department, explained that the Police Department had obtained the Police Officers' statements; however, no other statements had been received, as witnesses to the event were not cooperating. He stated that the Police Department had requested Ms. Gibson's assistance in gaining the cooperation of the other witnesses. He stated that Ms. Gibson would provide a copy of her son's statement for the Police Department's information.

Representative Sariñana questioned whether or not there was evidence of bruising and/or were pictures taken.

Ms. Gibson stated that her son had received bruises and a swollen jaw but no pictures were taken.

Commander Walsh explained that Internal Affairs reported directly to the Office of the Chief of Police and that Internal Affairs performed quality investigations. He emphasized the need for the witnesses to come forward.

Ms. Rodriguez discussed the difference between disciplinary action and criminal action of Police Officers.

Representative Cook remarked that the matter could be forwarded to the Police Legislative Review Committee and noted that other cities maintain Citizen Review Boards.

Ms. Gibson noted that the Police Officer who took her son's statement had left out pertinent information.

Commander Walsh commented on the professional conduct of the Police Department and noted that an individual must approve any changes made to their statement.

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*Motion made, seconded and unanimously carried to postpone two (2) weeks: Mr. Caballero: The "No Smoking" Ordinance adopted by this City Council, I think it has in its broad powers, restrains citizens from lighting when and where they feel like it. Settlement it's all right, we smokers contribute to it and have constitutional rights as well. (Leopoldo E. Sierra)

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Motion made by Representative Sariñana, seconded by Representative Cobos and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

An Ordinance permitting Sylvia Gomez to use a portion of Suffolk Park from 2:00 PM until 5:00 PM on September 28, 2002, for a wedding. Fee: \$50.00

PUBLIC HEARING WILL BE HELD SEPTEMBER 24, 2002 FOR ITEM 25

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

Representative Sumrall was not present for the vote.

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ADDITION TO THE AGENDA

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Work Experience Agreement by and between the City of El Paso and ACS State and Local Solutions for a driver Work Experience program through March 10, 2003.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit a grant application, including all assurances and understandings therein, and related documentation from the City of El Paso Police Department for fourth year funding for Underage Drinking Initiative Grant, Juvenile Accountability Incentive Block Grant, funds in the amount of \$200,000.00, to the Office of the Governor, Criminal Justice Division, the purpose of continuing the efforts of the Police Department in reducing underage drinking through enforcement and public education; and that the grant officials be designated and authorized to act as stated in the grant application. Matching funds required in the amount of \$22,222.00.

That the El Paso City Council agrees in the event of loss or misuse of Criminal Justice Division Grant funds or Juvenile Accountability Incentive Block Grant funds, the funds will be returned to the Office of the Governor, CJD in full.

*Motion made, seconded and unanimously carried to appoint Bill Davidson to the Airport Board by Representative Sumrall.

*Motion made, seconded and unanimously carried to approve the request of Victory Outreach c/o Felipe Gonzales to use amplification (4 microphones, 2 tower speakers, and 1 monitor) at Shawver Park Pavilion on September 13, 2002 from 7:00 p.m. to 10:00 p.m. Approximately 1,000 spectators are anticipated. PERMIT NO. 02-124

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City of El Paso present a grand-opening event ("the Event") of the skateboard facilities at Dick Shinaut Park, 11701 Rufus Brijalba Drive, to include a skateboard competition; that the Office of the City Attorney be authorized to negotiate a co-sponsorship agreement with Skate City El Paso and with Blade-N-Sk8 pertaining to the skateboard competition at the Event; and that the Mayor be authorized to sign such an agreement. The Event is scheduled to occur on Saturday, September 21, 2002, between 10:00 a.m. and 10:00 p.m.

Representative Cobos congratulated Representative Power for moving so quickly on the skateboard park and noted that he would follow Representative Power's lead and try to obtain a skateboard park for the Westside.

Motion made by Representative Power, seconded by Representative Sariñana and unanimously carried to approve the above Resolution.

Representative Sumrall was not present for the vote.

No action was taken regarding the discussion and action regarding portable canopies and portable carports by Representative Sariñana.

Representative Sariñana presented a PowerPoint presentation for Council Members' information and suggested modifying the Ordinance to allow citizens to construct such canopies.

Mr. Dennis Huff, citizen, commented on the benefits of the canopies and the City's requirements for the canopies.

Representative Sariñana commented on the setback requirements for the canopies and he felt that if the property owners had had the canopies for over 15 years that they should not be required to remove the canopies.

Representative Medina thought the look of the canopies was not appealing and that he would vote against placing the structures there permanently.

Representative Cobos stated that too many restrictions had been placed on the community and that the canopies were helpful in protecting the vehicles.

Representative Cook commenting on the appearances of the canopies.

Mr. Huff stated his canopy has been in existence for over 12 years and presented pictures for Council Members.

Representative Sariñana suggested modifying the Ordinance for those individuals who do not have a garage to allow for the canopies.

Representative Power suggested waiting for the BZAC (Building and Zoning Advisory Committee) report.

Mr. Charlie McNabb, Chief Administrative Officer, explained that this is not an issue of taste but of setbacks and added that these structures could be placed if they met the setback requirements. He noted that the City has building codes that establish setbacks; however, current Ordinances would prohibit these canopies.

Representative Sariñana responded that the BZAC would need to understand that these homes would not met 25' setback requirement as they had been grandfathered in.

Representative Cobos questioned whether or not the canopies could be addressed during a BZAC meeting.

Mr. Terry Williams, Director of Building Permits and Inspections, responded yes that a citizen could come before the BZAC and present their case during meeting.

.....
Motion made by Representative Cobos, seconded by Representative Sariñana and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- | | |
|-----------------|--|
| Section 551.071 | CONSULTATION WITH ATTORNEY |
| Section 551.072 | DELIBERATION REGARDING REAL PROPERTY |
| Section 551.073 | DELIBERATION REGARDING PROSPECTIVE GIFTS |
| Section 551.074 | PERSONNEL MATTERS |
| Section 551.076 | DELIBERATION REGARDING SECURITY DEVICES |

A. Dr. Argelia Woo-Telles, et. al., 02-C-057 (551.071)

- B. Public hearing to determine if the property located at 2506 San Jose Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of this property, John Taylor and Linnea Hanson, 4837 Winthrop Drive, El Paso, Texas 79924, have been notified of the violations at this property.

Motion made Representative Cook, seconded by Representative Cobos and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

.....
Motion made by Representative Medina, seconded by Representative Cook and carried that the claim entitled **Dr. Argelia Woo-Telles, Jacob P. Telles and James K. Terrell; Our File No. 02-C-057** be **DENIED** as recommended by the City Attorney.

Representative Sumrall was not present for the vote.

.....
Motion made by Representative Cook, seconded by Representative Rodriguez and carried to postpone two (2) weeks the Public hearing to determine if the property located at 2506 San Jose Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of this property, John Taylor and Linnea Hanson, 4837 Winthrop Drive, El Paso, Texas 79924, have been notified of the violations at this property.

Representative Rodriguez stated that since Mr. Taylor was a contractor and not willing to pull the necessary permits, he was not following proper procedure. She questioned why Mr. Taylor had cleaned the front yard and not the back.

Representative Cook noted that Mr. Taylor had being trying for three weeks to pull permits and moved to postpone for two weeks and encouraged Mr. Taylor to work with Building Permits and Inspections. Representative Cobos seconded.

Representative Rodriguez moved to condemn the property.

Representative Cobos stated the gentleman was willing to rehabilitate the structure and the City should give him the benefit of the doubt and give him more time.

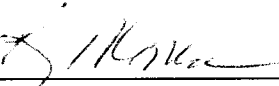
The vote to postpone for two weeks was as follows:

Representative Sumrall was not present.
Representatives Rodriguez and Medina voted Nay.
Representatives Cook, Power, Sariñana and Cobos voted Aye.

.....
Motion made by Representative Sariñana, seconded by Representative Cook and unanimously carried to adjourn this meeting at 1:20 p.m.
.....

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:


Richarda Duffy Momsen, City Clerk


Lisa A. Elizondo, City Attorney